

Application No. 09/943,631
Reply to Office Action of June 29, 2005

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-43 are pending in the present application, Claims 1, 15, 25 and 37 having been amended, and Claim 43 having been added. Claims 1, 15, 25 and 37 are amended to more clearly describe and distinctly claim the subject matter Applicants regards as the invention without adding new matter.

In the outstanding Office Action, the drawings were objected to; Claims 1, 15, 25, and 37 were objected to; Claims 1-42 were rejected under 35 U.S.C. §103(a) as unpatentable over the combination of Mottishaw et al. (U.S. Patent No. 6,721,284) in view of Beyda et al. (U.S. Patent No. 6,453,336); and Claims 1, 15, 25, and 37 were rejected under 5 U.S.C. §103(a) as unpatentable over the combination of Fletcher et al. (U.S. Patent No. 6,108,782) in view of Beyda et al. (U.S. Patent No. 6,453,336).

Applicants thank the Examiners for the courtesy of an interview extended to Applicants' representative on September 14, 2005. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. The Examiners agreed that there are distinctions between the amended claim language and the cited references. Arguments presented during the interview are reiterated below.

With respect to the objection to the drawings and Claims 1, 15, 25, and 37, the drawings and Claims 1, 15, 25, and 37 are amended as suggested in the Office Action. Thus, the outstanding objections are overcome.

Claim 1 is directed to a method for identifying errors in a video conference conducted on a packet-based network, including: receiving a request to monitor the network during the video conference conducted between two or more endpoints; distributing a capture

agent over the network from a central agent at a central device to a remote device in response to the request, the remote device associated with a collision domain that contains one of the two or more endpoints and operable to execute the capture agent; collecting a plurality of media packets associated with the video conference in a capture file until a timer expires, the capture file located in a storage medium interfaced with the remote device; and communicating the capture file from the remote device to the central device when the timer expires.

The claimed invention provides a number of important technical advantages. The capture agent, after being distributed by the central agent in response to a request, collects media packets transmitted and received by the endpoints and communicates the packets to the central agent to be decoded and analyzed. A system administrator can receive a report on problems before the audio and/or video quality of the video conference degrades.¹

A further advantage is realized when the central agent receives a file from a capture agent that includes multiple media packets. The central agent decodes the media packets received from the capture agent and calculates specific network parameters, such as latency, jitter, and throughput. The system administrator may use these parameters to analyze the network traffic and prevent the reported problems from affecting future video conferences.²

Turning now to the outstanding grounds of rejection, Applicants respectfully submit that amended Claim 1 patentably distinguishes over the combination of Mottishaw and Beyda. Amended Claim 1 recites, *inter alia*, “receiving a request to monitor the network during the video conference conducted between two or more endpoints.” Mottishaw and Beyda do not describe or suggest this element of Claim 1.

¹ Specification, page 6.

² Specification, page 7.

Mottishaw discloses that the packet data network (PDN) is continuously monitored for packets.³ This implies that no request to monitor is made and that the monitoring is always ongoing. The Office Action relies on the disclosure in col. 3, lines 25-33 of Mottishaw to describe the claimed step of “receiving a request.” However, col. 3, lines 25-33 merely discloses collecting data from a combined PDN and switched circuit network (SCN), carrying multimedia services, correlating the data, and providing a view of the services on the network.⁴ There is no description or suggestion of receiving a request to monitor.

Claim 1 also recites “distributing a capture agent over the network from a central agent at a central device to a remote device in response to the request, the remote device associated with a collision domain that contains one of the two or more endpoints and operable to execute the capture agent.” Mottishaw does not describe this element of Claim 1.

Mottishaw describes using probes to collect data from a packet switched network (PDN), signaling system no. 7 (SS7) network, and the integrated services digital network (ISDN).⁵ The outstanding Office Action asserts that the probes described in Mottishaw, particularly the probes shown in Fig. 2, equate to the claimed capture agent. Mottishaw describes the probes as protocol analyzers and discloses that the probes can be “constructed from Hewlett-Packard 4986/7 or 13457/8 LanProbes.”⁶ Since the probes are not software, they are not distributed to a remote device over the network.

Furthermore, PDN, SS7, and ISDN are networks, and do not equate to the claimed “remote device.” As the amendment to Claim 1 makes clear, the remote device is operable to execute the capture agent. The outstanding Office Action asserts that H.323/IP equates to the

³ Mottishaw, col. 4, lines 30-33.

⁴ Mottishaw, col. 3, lines 25-30.

⁵ Mottishaw, col. 4, lines 1-3.

⁶ Mottishaw, col. 4, lines 8-9.

claimed remote device.⁷ However, H.323/IP is not a device. H.323/IP is a protocol, which is not capable of executing the capture agent.

Furthermore, as Mottishaw does not describe or suggest a remote device that executes the capture agent, Mottishaw does not describe or suggest the claimed “capture file located in a storage medium interfaced with the remote device,” and “communicating the capture file from the remote device to the central device.”

Furthermore, Applicants note that the Office Action correctly states that Mottishaw does not teach a video conference device. The office Action relies on Beyda to disclose monitoring a video conference on a network between two video conference capable endpoints. However, Beyda does not cure the above-noted deficiencies of Mottishaw.

Furthermore, a person of ordinary skill in the art would not be motivated to combine Beyda with Mottishaw. Beyda describes a dynamic control device that allows a user in a video conference to dynamically control the allocation of resources (e.g. bandwidth) between audio and video. Beyda describes modifying the characteristics of the video conference. Mottishaw describes passive monitoring of a network to generate service detail records. Mottishaw describes observing and recording characteristics of a telephone conference. There is no explanation provided as to why a person of ordinary skill in the art would combine a system for observing and recording characteristics of a network with a system for modifying characteristics of a video conference. See *In re Lee*, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002) and the requirement there for the PTO to “explain the reasons one of ordinary skill would have been motivated to select the references and to combine them to render the claimed invention obvious.”

Thus, in view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and dependent Claims 2-14) patentably distinguish over Mottishaw and Beyda,

⁷ Office Action, page 4.

alone or in combination. In addition, Claims 15, 25, 37, and 43 (and dependent Claims 16-24, 26-36, and 38-42) recite elements similar to those recited in Claim 1. Thus, Applicants respectfully submit that Claims 15, 25, 37, and 43 (and dependent claims 16-24, 26-36, and 38-42) patentably distinguish over Mottishaw and Beyda, alone or in combination.

Furthermore, Applicants respectfully traverse the rejection of Claim 5 as unpatentable over the combination of Mottishaw and Beyda. Claim 5 recites, *inter alia*, “the remote device located on a switch port associated with the collision domain, the switch port operable to monitor network traffic between the two or more endpoints with the collision domain.”

The Office Action relies on Mottishaw to describe Claim 5. However, Mottishaw does not show in Fig. 2 a switch port. H.323/IP is a protocol and not a switch port, and does not monitor network traffic between two or more endpoints. Beyda does not cure the deficiency of Mottishaw for at least the reasons stated above. Thus, Claim 5 further patentably distinguishes over Mottishaw and Beyda, alone or in combination.

Furthermore, independent Claim 15 recites, *inter alia*, “a processing resource coupled to the storage medium and the interface, the processing resource operable to execute a capture agent received over the network from a central agent located as a central device.” The Office Action asserts that the DMI describes Claim 15. The amendments to Claim 15 clarify that the device claimed receives the capture agent from a central agent. The Office Action states that the DMI equates to the central agent. The DMI does not receive a capture agent over the network from a central agent. Thus, Applicants respectfully submit that Claim 15 further patentably distinguishes over Mottishaw and Beyda.

Furthermore, independent Claim 37 recites, *inter alia*, “distributing a capture agent over the network from a central device to each of the two or more endpoints.” The endpoints shown in Fig. 2 of Mottishaw are telephones. Mottishaw does not describe or suggest that the telephones receive a capture agent. In addition, the Office Action, when rejecting Claim 37,

does not recite the correct language of Claim 37. Thus, Applicants respectfully submit that Claim 37 further patentably distinguishes over Mottishaw and Beyda.

Turning now to the rejection of Claim 1 as unpatentable over Fletcher in view of Beyda, Applicants respectfully traverse the rejection. Claim 1 recites, *inter alia*, “distributing a capture agent from a central agent at a central device to a remote device via the network in response to the request, the remote device associated with a collision domain that contains one of the two or more endpoints and operable to execute the capture agent.” The combination of Fletcher and Beyda does not describe or suggest this element of Claim 1.

As stated in the Office Action, Fletcher describes distributing configuration messages to the dMRON agent.⁸ However, Claim 1 requires that the capture agent be distributed via the network to the remote device. Fletcher merely describes that the agent is included in the ES (end system or end user equipment). There is no description or suggestion that the collector distributes the dMRON agent to the ES.

Beyda does not cure the deficiencies in Fletcher and there is no motivation to combine Beyda and Fletcher for at least the reasons stated above.

Thus, in view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and dependent Claims 2-14) patentably distinguish over Fletcher and Beyda, alone or in combination. In addition, Claims 15, 25, 37, and 43 (and dependent Claims 16-24, 26-36, and 38-42) recite elements similar to those recited in Claim 1. Thus, Applicants respectfully submit that Claims 15, 25, 37, and 43 (and dependent Claims 16-24, 26-36, and 38-42) patentably distinguish over Fletcher and Beyda, alone or in combination.

Furthermore, independent Claim 15 recites, *inter alia*, “a processing resource coupled to the storage medium and the interface, the processing resource operable to execute a capture agent received over the network from a central agent located as a central device.”

⁸ Office Action, page 14.

The amendments to Claim 15 clarify that the claimed device receives the capture agent from a central agent. The Office Action states that the dRMON collector equates to the central agent. The dRMON collector does not receive a capture agent over the network from a central agent. Thus, Applicants respectfully submit that Claim 15 further patentably distinguishes over Fletcher and Beyda.

Furthermore, independent Claim 37 recites, *inter alia*, “distributing a capture agent over the network from a central device to each of the two or more endpoints.” As stated above, Fletcher does not describe or suggest that a capture agent is distributed over the network. In addition, the Office Action, when rejecting Claim 37, does not recite the correct language of Claim 37. Thus, Applicants respectfully submit that Claim 37 further patentably distinguishes over Fletcher and Beyda.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Michael E. Monaco
Registration No. 52,041